

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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BOBBY LEE MONTGOMERY,  
vs.  
LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT, et al.,  
Plaintiff,  
Defendants.

2:12-cv-817-MMD-NJK

## ORDER

14 Before the Court is Plaintiff's Motion for Disclosed Medical Records Order. Docket No.  
15 35. The Court finds this motion appropriately resolved without oral argument. Local Rule 78-2.

## BACKGROUND

17 Plaintiff requests a court order requiring Octapharma Plasma Inc., in Las Vegas, Nevada,  
18 to provide him with his medical records. *See Motion*, Docket No. 35. Plaintiff explains that he  
19 was an ironworker in Arlington, Texas, but then became homeless for several months after he  
20 was arrested by the Las Vegas Metropolitan Police Department (LVMPD). *Id.* During that time,  
21 his only source of income became donating plasma. *Id.*

## **DISCUSSION**

23 On April 19, 2013, the Court dismissed all of Plaintiff's claims against LVMPD with  
24 leave to amend. *See* Docket No. 40. At that point, to the extent that Plaintiff's Motion was  
25 relevant to his claims against LVMPD, his Motion became moot. Additionally, Plaintiff is  
26 requesting his own medical records from an entity that is not a party to this litigation. Plaintiff  
27 has not indicated that he served this request on Octapharma Plasma Inc., nor that he has  
28 attempted to obtain this information without Court intervention.

1                   **CONCLUSION**

2                 Based on the foregoing, and good cause appearing therefore,

3                 IT IS HEREBY ORDERED that Plaintiff's Motion for Disclosed Medical Records Order  
4 (#35) is DENIED without prejudice.

5                 DATED this 27th day of August, 2013

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8                     
9                   NANCY J. KOPPE  
10                  United States Magistrate Judge

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